IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A.O.NO.248 OF 2005

Shri Chandrashekhar S. Joshi
and another .. Appellants
(Org. Plaintiffs)

vs.

Shri Milind Dattajirao Bhosale
and others .. Respondents.

Abhay L. Patki, Advocate for the Appellant.

CORAM : A.S.OKA, J.

DATED : 28th February, 2005.

P.C. :

1. Heard Shri Patki for the Appellants. Shri Patki submitted that the observations made by the learned Trial Judge in paragraph No.13 of the impugned order are incorrect as Appellants have already applied for amendment of the plaint for challenging the result of the elections allegedly held on 29.02.2004. The second grievance is that points for determination which are framed by the learned Trial Judge cover the issues which are required to be decided by the authority deciding

Change Report under section 22 of the Bombay Public Trusts Act, 1950. He submitted that the observations which are made and the findings which are recorded will come in the way of the Appellants in the Change Report Proceeding.

2. Perusal of the impugned judgment and order shows that the learned Judge has decided only the applications for temporary injunction taken out during the pendency of the main suit. It is therefore obvious that the observations which are made and the findings which are recorded are only tentative findings for limited purpose of considering prayers for grant of interim relief. The said findings will not bind the learned Judge at the time of final hearing of the suit. Moreover, the Change Report Proceeding if pending will be decided on its own merits without being influenced by the impugned order. Considering the fact that the new body has been elected on 29.2.2004 and the application for amendment of the plaint is stated to have filed by the appellants for challenging the result of the elections, no fault can be found with the rejection of the

application made by the appellants for the interim reliefs.

3. Subject to what is stated above, the appeal is dismissed with no orders as to costs.

. Parties to act on the authenticated copy of this order.

(A.S.Oka, J.)